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by a learned review of Liebermann's *Gesetze der Angelsachsen* and a paper on the making of the German Civil Code.

The problem of corporate personality in its history, nature and practical effects in our legal system was the centre of Maitland's investigation and interest in the last few years of his life. Under the influence of Gierke he became profoundly convinced of the truth of the theory of a real though incorporeal existence of the corporate person and of the corporate will, in opposition to the view that the corporation is merely a figment of the imagination, a creation out of nothing made by the State for purposes of convenience. Though this controversy has gone on for years on the Continent and now fills a library of books, these six papers, together with Maitland's brilliant introduction to his translation of Gierke's "Political Theories of the Middle Age" have virtually introduced the subject to English and American lawyers at large, and are likely to remain the classical exposition of it in English. To appreciate Maitland's influence in this respect one has only to compare the number of articles on this subject which have appeared in leading legal periodicals in England and America before and since he began to publish these papers. The timeliness of this subject and its intimate connection with some of the most pressing problems before our courts and our people, serve to illustrate the intensely practical character of all Maitland's aims and interests. However far back these papers may take us in the historical development of our legal doctrines, we always feel in reading them that in tracing the beginnings of that development our author has constantly in mind a better understanding of its end. Maitland has none of that foolish impatience with the study of our past development which renders superficial and worthless so much that is written to-day, but he never falls into the opposite error of mere legal antiquarianism.

It is unnecessary at this late day to try to give a critical estimate of these writings. That matter was settled long ago. Considering the fact that the series was begun thirty-five years ago, there is surprisingly little which must be revised in the light of later research. "He wrote little, perhaps nothing, in early manhood which he would have cancelled in later years." There will no doubt be a difference of opinion as to the correctness of a few of the conclusions. All may not be able, for example, to accept entirely the author's views on the origin of the borough; and many will be unable to see in the corporation as Maitland did, "no fiction, no symbol, no piece of State's machinery, no collective name for individuals, but a living organism and a real person, with body and members and a will of its own." Most of the papers, however, are on subjects not controversial; but even where they are, and in the rare cases where we cannot accept all their conclusions, our admiration for their value and suggestiveness is not one whit diminished. They are, as Mr. Fisher says of their author, "always learned, always original, and in ninety-nine cases out of a hundred . . . transparently right."

The papers are given in their original form without annotation. C. H. M.

THE LAW OF CONTRACTS. By Clarence D. Ashley. Boston: Little, Brown and Company. 1911. pp. xxviii, 310.

This little treatise on the Law of Contracts is an interesting book and an interesting kind of book. It is a thought which cannot fail to occur to every lawyer and especially to such lawyers as are compelled constantly to search for authoritative statements of the law, that before many years the mass of material will be so great as to paralyze the efforts of the most industrious. The American Digest and the Key Number System are useful, but when pertinent decisions

on a single point are numbered by hundreds, what can be done? The only answer to such an inquiry can be that lawyers must endeavor to seek the principles at the foundation of their science and rely chiefly on accurate reasoning from these principles rather than simply on an endeavor to find cases similar in facts to the one under consideration. But such a search for fundamental principles cannot mean an endeavor to memorize sundry brief formulæ, but rather an effort, through testing every proposition by applying it to a variety of facts, to discover how many of the general statements in law books are gold and how many are mere dross.

Dean Ashley, who has been himself an active practitioner and is now at the head of a large law school in the City of New York, where, if anywhere, it may be supposed the demand for the immediately practical is insistent, finds time to write a book (doubtless in large measure the reflection of his teaching) which makes slight pretense to any elaborate collection or consideration of American decisions, but is occupied almost wholly with a statement and discussion of the theoretical principles which must govern all decisions involving the law of contracts. It is this method which the author invariably pursues of seeking the sound and reasonable principle rather than merely stating what courts have decided that is the most interesting feature of the book.

In general the writer's conclusions and reasoning will commend themselves to the reader, and even in cases where an individual student of the subject may differ from Dean Ashley's conclusions, he will always recognize the force of his arguments. The book is written, moreover, in an attractive style and is singularly readable.

The author, both in his preface and elsewhere, makes the fullest acknowledgment to the work of Professor Langdell and other writers on the law of contracts. His acknowledgments are indeed so generous that a hasty reader might fail to give the author himself sufficient credit for the power of analysis and of statement which he shows.

S. W.

THE LIABILITY OF RAILROADS TO INTERSTATE EMPLOYEES. By Phillip J. Doherty. Boston: Little, Brown and Company. 1911. pp. 371.

The last decade has witnessed in this country a marked tendency on the part of law makers to impose upon masters and hence, indirectly, upon society as a whole, a share of the burdens of industrial accidents hitherto, under common-law fictions, borne alone by workmen. It is for an interpretation of a remedial statute of this nature from what the author pleases to term the "humane," in contradistinction to the "property," point of view that this volume pleads. The particular statute under consideration is the Federal Employers' Liability Act of 1908. The work is in no wise a "text-book." Rather is it an aggressive and exhaustive "brief" urging (1) a broad and liberal interpretation of this Act, and (2) its constitutionality, being, in large measure, a reply to arguments advanced in a report of a committee appointed by a conference of railroad counsel at Atlantic City, N. J., in July, 1908, to consider questions arising under the Employers' Liability Acts. The contentions of the author as to the constitutionality of the Act of 1908 have recently been confirmed by the Supreme Court of the United States. *Second Employers' Liability Cases*, 223 U. S. 1, 32 Sup. Ct. 169. With the author's vigorous attack on the established but discredited common-law doctrines of fellow service and assumption of risk in his excellent second chapter, most readers will incline to agree, but the constant reiteration of hostility to these doctrines tends to become wearisome. Interesting originality is shown in the chapters considering "When